

PATENT

Application No.: 10/728226
Attorney Docket No.: 98-043-C1**REMARKS**

Prior to entry of this Amendment:

- Claims 28-30 and 33-49 were pending in the present application
- Claims 28-30, 33-37, 40, 43, 44, and 47 stand rejected
- Claims 38, 39, 41, 42, 45, 46, 48, and 49 are objected to

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims 38, 39, 41, 42, 45, 46, 48, and 49 will be pending
- Claims 38, 39, 41, 42, 45, 46, 48, and 49 will be amended
- Claims 28-37, 40, 43, 44, and 47 will be cancelled
- Claims 38, 39, 41, 42, 45, 46, 48, and 49 will be the only independent claims

A. Claims 38, 39, 41, 42, 45, 46, 48, and 49 Contain Allowable Subject Matter

We are grateful for the Examiner's statement that all of Claims 38, 39, 41, 42, 45, 46, 48, and 49 contain allowable subject matter. Each of those claims has been amended to incorporate the limitations of its base claim and any intervening claims. We submit that Claims 38, 39, 41, 42, 45, 46, 48, and 49 are in condition for allowance.

With respect to Claims 41, 42, 48, and 49, some additional minor stylistic changes have been made that are not related to patentability and do not affect the scope of those claims.

We gratefully acknowledge the Examiner's recognition that two claims had been numbered "48." In the Amendment we have properly numbered the claims (Claim 48 and Claim 49).

B. Claims 28-37, 40, 43, 44, and 47 Have Been Cancelled

Claims 28-37, 40, 43, 44, and 47 have been canceled without prejudice or disclaimer. We submit that Claims 28-37, 40, 43, 44, and 47 contain allowable subject matter, and that Claims 28-37, 40, 43, 44, and 47 have been canceled solely in order to expedite issuance of the present application in light the allowable subject matter and the well-documented delay before action on Appeal. We intend to pursue the subject matter of the canceled claims in one or more continuing

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applications, and will address any assertions and rejections made with respect to those claims as necessary. As those claims have been cancelled here, however, the Examiner's Section 103(a) rejections are moot and are not addressed.

C. Authorization to Charge Appropriate Fees & Petition for Extension of Time to Respond

We understand that a one-month extension of time to respond to the Office Action is necessary. Please grant a petition for any extension of time required to make this Response timely.

If necessary, please charge any appropriate fees necessary per the following information:

Charge: \$60.00
Deposit Account: 50-0271
Order No.: 98-043-C1

Please credit any overpayment to the same account.

A duplicate copy of this authorization is enclosed for such purposes.

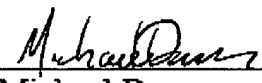
D. Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mtdowns@walkerdigital.com.

Respectfully submitted,

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Date



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